United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, D.C. 20510

DD/A REGISTRY
FILE *Legal*

April 14, 1981

Mr. Max Hugel
Deputy Director for Administration
Central Intelligence Agency
Washington, D.C.   20505

Dear Max:

Enclosed is the bill I promised you. Please have
your staff review and comment upon it as soon as possible,
since the Senator wishes to introduce it.

Kindest personal regards.

Sincerely,

Tanya Metaksa
Legislative Director for
Senator Alfonse D'Amato

TM:pt
Enclosures

139710.374

97th CONGRESS
1st Session   S. _____

IN THE SENATE OF THE UNITED STATES

Mr. D'Amato introduced the following bill; which was read twice
    and referred to the Committee on _____

A BILL

To exempt certain matters relating to the Central Intelligence

    Agency from the disclosure requirements of title 5, United

    States Code.

1   Be it enacted by the Senate and House of Representatives

2   of the United States of America in Congress assembled, That

3   (a) subsection (b) of section 552 of title 5, United States

4   Code, is amended--

5   (1) in paragraph (2), by inserting before the

6   semicolon at the end thereof the following: ''other than

7   the Central Intelligence Agency or, in the case of the

8   Central Intelligence Agency, related to the internal

9   personnel rules and practices of such Agency or to the

10   training or reorientation of personnel of such Agency'';

11   (2) in paragraph (6)--

12   (A) by inserting ''of an agency other than the

13   Central Intelligence Agency'' after ''similar

14   files''; and

15   (B) by inserting before the semicolon at the end

16   thereof the following: ''or, in the case of the

17   Central Intelligence Agency, any personnel, medical,

18   or other similar files of such Agency (other than

19   personnel records the disclosure of which is

20   necessary for obtaining employment outside such

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1   Agency)'',

2   (3) by amending paragraph (7) to read as follows:

3   ''(7) investigatory records compiled for law

4   enforcement or national intelligence purposes, but only

5   to the extent that the production of such records would--

6   ''(A) interfere with enforcement proceedings,

7   ''(B) deprive a person of a right to a fair trial

8   or an impartial adjudication,

9   ''(C) constitute an unwarranted invasion of

10   personal privacy,

11   ''(D) disclose the identity of a confidential

12   source and--

13   ''(i) in the case of a record compiled by a

14   criminal law enforcement authority in the course

15   of a criminal investigation, confidential

16   information furnished only by the confidential

17   source, or

18   ''(ii) in the case of a record compiled by an

19   agency conducting a lawful national security

20   intelligence investigation, confidential

21   information furnished by the confidential source,

22   ''(E) disclose investigative or national

23   intelligence techniques and procedures, including

24   intelligence techniques and procedures relating to

25   special activities, clandestine collection, or covert

26   operations of the Central Intelligence Agency, or

27   ''(F) endanger the life or physical safety of law

28   enforcement or national intelligence personnel;'';

29   (4) by striking out ''or'' at the end of paragraph

30   (8);

31   (5) by striking out the period at the end of

32   paragraph (9) and inserting in lieu thereof a semicolon;

33   (6) by inserting after paragraph (9) the following:

34   ''(10) related to special activities, clandestine

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1   collection, or covert operations of the Central

2   Intelligence Agency; or

3   ``(11) related to any internal operation, office

4   management, or organization of the Central Intelligence

5   Agency.''; and

6   (7) by inserting before the period at the end of the

7   second sentence a comma and the following: ``except that

8   no record of the Central Intelligence Agency shall be

9   provided to any such person if any portion of such record

10   is exempt under this subsection''.

11   (b) Subsection (e) of section 552, title 5, United States

12   Code, is amended to read as follows:

13   ``(e) For purposes of this section--

14   ``(1) the term `agency' as defined in section 551 (1)

15   of this title includes any executive department, military

16   department, Government corporation, Government controlled

17   corporation, or other establishment in the executive

18   branch of the Government (including the Executive Office

19   of the President), or any independent regulatory agency;

20   ``(2) the term `clandestine collection' means the

21   acquisition of intelligence information in ways designed

22   to assure the secrecy of the operation;

23   ``(3) the term `covert operations' includes

24   clandestine collection and special activities; and

25   ``(4) the term `special activities' means activities

26   conducted abroad in support of national foreign policy

27   objectives which are designed to further official United

28   States programs and policies abroad and which are planned

29   and executed so that the role of the United States

30   Government is not apparent or acknowledged publicly, and

31   functions in support of such activities, but not

32   including diplomatic activity or the collection and

33   production of intelligence or related support

34   functions.''.